

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ILISAPESI KENNELL,

Plaintiff,

No. 19-10976

v.

Hon. Nancy G. Edmunds

GREATER MIDLAND
COMMUNITY CENTERS, INC.,

Defendant.

/

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Ilisapesi M. Kennett has filed suit against Defendant Greater Midland Community Centers, Inc., alleging national origin, sex, and age discrimination as well as retaliation in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), the Age Discrimination in Employment Act ("ADEA"), and Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"). Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the claims brought under the ELCRA to avoid jury confusion. See 28 U.S.C. § 1337(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994); see also *Provenzano v. LCI Holdings, Inc.*, 663 F.3d 806, 818 (6th Cir. 2011) (observing that the causation standard for claims brought under the ADEA is different than that for the same claims brought under the ELCRA).

Thus, pursuant to 28 U.S.C. § 1337(c), Plaintiff's claims of discrimination and retaliation in violation of Michigan's Elliott-Larsen Civil Rights Act found in Counts II,

IV, VI, and VIII of her complaint are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 9, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 9, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager